UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,652	04/19/2001	David Kyle	TT4390	9231

7590 08/04/2004

Kelly K. Kordzik
5400 Renaissance Tower
1201 Elm Street
Dallas, TX 75270

EXAMINER	
NGUYEN, TRONG NHAN P	

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/838,652	KYLE ET AL.	
	Examiner	Art Unit	
	Jack P Nguyen	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 April 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-52* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-52* is/are rejected.

7)☒ Claim(s) *10,23,36 and 49* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 April 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-52 are pending examination.

Drawings

2. New corrected drawings are required in this application because the drawings are done informally making them difficult to read and interpret. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

3. The drawings are objected to because they lack details described in the spec. For example, Fig. 3 fails to show part 312 for system bus. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The abstract and specification are objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Objections

5. Claims 10, 23, 36, and 49 objected to because of the following informalities: statement 'waiting said "first" period of time' should be "third". Examiner assumes applicant has made a typo on these claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-2, 4-10, 14-15, 17-23, 27-28, 30-36, 40-41 and 43-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Kakiuchi et al, 6,360,267 (hereafter Kakiuchi).

7. As per claims 1 and 40, Kakiuchi teaches a method and computer program product having a computer readable medium having a computer program logic recorded thereon for automatically restoring logon connectivity in a network system comprising the steps of:

establishing a first connection between a client and an Internet gateway (col. 4, lines 29-39, lines 66-67; col. 5, lines 1-9. *The client application program uses the Socket and*

Connect commands to establish a connection with an application server via the gateway as shown in F5, E505);

checking status of said first connection by issuing a first request to said Internet gateway to access a web server utilizing a protocol blocked under a logged off status (C7, L43-50. *Once the connection has been established between the client and the application server, the client application program uses the Send command to send and verify whether data can be sent from the client to the application server via the gateway*);

determining whether said web server is accessed from said first request (C4, L50-55; C5, L17-27. *Once the application server receives a request (data) from the client, it acknowledges the request by sending the Accept command back to the client signifying a connection has been established. After which, data can be sent or received by the client and application server*); and

automatically attempting to establish a second connection to said Internet gateway if said web server was not accessed from said first request (C10, L2-17. *If the connection fails or if the Network Monitoring Program (NMP - F1, E103) residing in the client computer detects a disruption in the connection, the client will use the Re-Connection Program (RCP - F1, E104) to automatically re-establish the connection without manual intervention*).

8. As per claims 2 and 41, Kakiuchi teaches the method as recited in claims 1 and 40, wherein if said web server was accessed from said first request then the method further comprises the steps of:

waiting for a first period of time (C7, L13-30); and

checking status of said first connection by issuing a second request to said Internet gateway to access said web server utilizing said protocol blocked under said logged off status (C7, L43-50).

9. As per claims 4 and 43, Kakiuchi teaches the method as recited in claims 1 and 40, wherein said first connection is established by a first logon procedure (fig. 13, element 1308, L46-64).

10. As per claims 5 and 44, Kakiuchi teaches the method as recited in claims 4 and 43, wherein said step of attempting to establish said second connection comprises the steps of:

terminating said first logon procedure (C10, L4-7); and

executing a second logon procedure (C10, L8-15).

11. As per claims 6 and 45, Kakiuchi teaches the method as recited in claims 5 and 44, further comprising the step of:

waiting for a first period of time (C10, L4-15).

12. As per claims 7 and 46, Kakiuchi teaches the method as recited in claims 6 and 45, further comprising the step of:

checking status of said attempted second connection by issuing a second request to said Internet gateway to access said web server utilizing said protocol blocked under said logged off status (C10, L38-51).

13. As per claims 8 and 47, Kakiuchi teaches the method as recited in claims 7 and 46, further comprising the step of:

determining whether said web server is accessed from said second request (C10, L47-63).

14. As per claims 9 and 48, Kakiuchi teaches the method as recited in claims 8 and 47, wherein if said web server is accessed from said second request then the method further comprises the steps of:

waiting for a second period of time, wherein said first period of time is less than said second period of time (C10, L4-15); and

checking status of said attempted second connection by issuing a third request to said Internet gateway to access said web server utilizing said protocol blocked under said logged off status (C10, L38-51).

15. As per claims 10 and 49, Kakiuchi teaches the method as recited in claims 8 and 47, wherein if said web server was not accessed from said second request then the method further comprises the steps of:

automatically attempting to establish a third connection to said Internet gateway (C10, L2-15); and

waiting said first period of time (C10, L4-15).

16. As per claims 14 and 27, Kakiuchi teaches a system of both router and client, comprising:

a web server configured to provide access to a web page (F5, E504, C1, L17-25);

one or more clients coupled to said web server by way of an Internet gateway (F5, E501, E508, C1, L17-25);

a router coupled to said one or more clients configured to forward packets of information from said one or more clients to said Internet gateway (F5, E505, C1, L17-25, C4, L6-11), wherein said router and client (F5, E501, E505, C3, L27-34) comprise:

a processor (F4, E401, C3, L27-34);

a memory unit storing a computer program operable for automatically restoring logon connectivity in a network system (F4, E402, C3, L27-34);

an input mechanism (C3, L27-34);

an output mechanism (F4, E403, C3, L27-34);

a bus system coupling the processor to the memory unit, input mechanism, and output mechanism (F4, C3, L27-34. *Though not labeled, the black line constitutes a bus system connecting all the components of a computer together. This is an inherent feature of Kakiuchi because a bus system is required to connect all the components of a computer together*), wherein the computer program comprises the programming steps of:

establishing a first connection between said one or more clients and said Internet gateway (C4, L29-39, L66-67; C5, L1-9. *See paragraph 7 for further details*);

checking status of said first connection by issuing a first request to said Internet gateway to access a web server utilizing a protocol blocked under a logged off status (C7, L43-50. *See P7 for further details*);

determining whether said web server is accessed from said first request (C4, L50-55; C5, L17-23. *See P7 for further details*); and

automatically attempting to establish a second connection between said one or more clients and said Internet gateway if said web server was not accessed from said first request (C10, L2-7. *See P7 for further details*).

17. Claims 15 and 28 are rejected for similar reasons as claims 2 and 41.

18. Claims 17 and 30 are rejected for similar reasons as claims 4 and 43.

19. Claims 18 and 31 are rejected for similar reasons as claims 5 and 44.

20. Claims 19 and 32 are rejected for similar reasons as claims 6 and 45.

21. Claims 20 and 33 are rejected for similar reasons as claims 7 and 46.

22. Claims 21 and 34 are rejected for similar reasons as claims 8 and 47.

23. Claims 22 and 35 are rejected for similar reasons as claims 9 and 48.

24. Claims 23 and 36 are rejected for similar reasons as claims 10 and 49.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

25. Claims 3, 16, 29, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakiuchi in view of Perlman et al, 6,308,221 (hereafter Perlman).

26. As per claims 3, 16, 29 and 42, Kakiuchi teaches the method as recited in claims 2, 15, 28, and 41, wherein upon said attempting to establish a second connection to said Internet service the method further comprises the step of:

checking status of said attempted second connection by issuing a third request to said Internet gateway to access said web server utilizing said protocol blocked under said logged off status (C10, L38-51).

Kakiuchi does not explicitly teach waiting for a second period of time, wherein said second period of time is less than said first period of time.

Perlman teaches after an interruption or disruption of a connection, the client system waits a period of time before automatically redialing to re-establish the connection to the application server where it had left off before the disruption (F5, E502, E503, E505, E507, C6, L2-29).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Kakiuchi by including a different wait time in between redials in view of Perlman (F5, E502, E503, E505, E507, C6, L2-29). One of ordinary skill in the art would have been motivated to combine the teachings of Kakiuchi and Perlman to speed up the process of wait time when redialing after the first failed connection.

27. Claims 11-13, 24-26, 37-39, and 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakiuchi in view of "Official Notice".

28. As per claims 11-13, 24-26, 37-39 and 50-52, Kakiuchi does not explicitly teach the method as recited in claims 1, 14, 27 and 40, wherein said protocols are a HyperText Transport Protocol, file transfer protocol, and telnet protocol (C4, L31-35; L46-48). "Official Notice" is taken by Examiner that one can use a plurality of Internet protocols to send and receive data is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to be motivated to use a plurality of protocols to check the status of the connection between the client and the application server via the gateway.

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Method and Apparatus Providing For Automatically Restarting a Client-Server Connection in a Distributed Network – Bharali et al, 6,216,163
- Dynamic, Seamless Switching of a Network Session From One Connection Route To Another – Beadle et al, 6,766,373
- Method and Apparatus For Reestablishing Network Connections in a Multi-Router Network – Sung et al, 6,226,684

- Method and System For Providing Fault Tolerant Access Between Clients and Server – Lu et al, 5,948,108
- Multiline Automatic Calling System Adapter – Maxwell, 4,125,872
- Persistent Modem Connection – Glover et al, 6,725,290
- Automatic Dialing Method – Chang, 6,097,808
- Creating and Managing Persistent Connections - French et al, 6,341,312

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack P Nguyen whose telephone number is (703) 605-4299. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jpn

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100